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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,903	11/18/2003	Ann-Margret Andersson	VTN 5001NP	5668
27777	7590	12/19/2005	EXAMINER	
PHILIP S. JOHNSON				HU, HENRY S
JOHNSON & JOHNSON				
ONE JOHNSON & JOHNSON PLAZA				
NEW BRUNSWICK, NJ 08933-7003				
				ART UNIT
				PAPER NUMBER
				1713

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/715,903	ANDERSSON ET AL.	
	Examiner	Art Unit	
	Henry S. Hu	1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on IDS of December 5, 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-44 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 November 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

1. It is noted that USPTO has received two **IDS'** filed on December 5, 2005 (two pages) and February 7, 2005 (8 pages) as well as **Oath & Declaration** filed on April 19, 2004. The examiner accepts Applicants' newly amended drawing in 18 sheets with 21 figures (Figures 1-21). Claims 1-44 with a total of nine independent claims (Claims 1, 22, 26, 28, 29, 33, 36, 37 and 39) are now pending. An action follows.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121. It is noted that all the nine independent claims are marked with an underline.

I. **Claims 1-21, 28, 40, 41 and 43**, drawn to an antimicrobial ophthalmic lens comprising a metal salt and having a percent haze of less than about 200%.

II **Claims 22-25**, drawn to an antimicrobial lens comprising a metal complex wherein the molar solubility of the metal ions in pure water at about 25 °C is greater than or equal to about 2.00×10^{-30} moles/L.

III. **Claims 26-27, drawn to a method of reducing the adverse events associated with microbial colonization on a lens placed in the ocular regions of a mammal comprising, placing an antimicrobial lens comprising a metal salt on the eye of a mammal.**

IV. **Claims 29-32 and 44, drawn to a method of preparing an antimicrobial lens comprising a metal salt, wherein the method comprises, the steps of (a) mixing a salt precursor with a lens formulation; (b) forming the lens with the product of step (a); and (c) treating the lens with a metal agent.**

V. **Claims 33-35 and 44, drawn to a method of preparing an antimicrobial lens comprising a metal salt, wherein the method comprises the steps of (a) mixing a metal precursor with an lens formulation; (b) forming the lens; and (c) treating the lens with an anion precursor.**

VI. **Claims 36, 42 and 44, drawn to a method of preparing an antimicrobial lens comprising a metal salt, wherein the method comprises the steps of (a) treating a cured lens with a salt precursor; (b) treating the lens of step (a) with a metal agent under conditions to produce an antimicrobial lens having less than about 200% haze.**

VII. **Claims 37-38 and 44, drawn to a method of preparing an antimicrobial lens comprising a metal salt, wherein the method comprises the steps of (b) treating cured lens of with a metal agent. (b) treating the lens of step (a) with a salt precursor.**

VIII. **Claims 39 and 44**, drawn to a method of preparing an antimicrobial lens comprising a metal salt, wherein the method comprises the steps of (a) mixing a metal with a lens formulation; (b) forming the lens; (c) treating the lens of step (b) with an oxidizing agent; and (d) treating the lens of step (c) with an anion precursor.

3. The inventions are distinct, each from the others because of the following reasons:

Inventions I-VIII is unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In a very close examination, each group may comprise the salt in the form of regular metal salt, metal complex or its precursor as well as may be in different solubility and/or the lens may be prepared in various steps or sequences. They are in different combination and may be prepared through different process and/or on different form of salt. Inventions III-VIII are related to process of making, each group carries different specific components in different sequence and may be with additional step; the process of making is unique and thereby not interchangeable.

4. Although each of all inventions may contain some of fundamental metal salt components or precursors, they are actually related to “eight” different subject matters due to the presence or absence of other process steps or additive components. Therefore the scope of the claims, i.e., the metes and boundaries are distinct.

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5. Because these inventions are distinct for the reasons given above and the search required for each group is not required for other groups have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. It is noted that no phone call was made to **Karen A. Hardy (tel: 909 443-3074)** by the examiner due to the complexity on multiple (nine) independent claims. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Dr. Henry S. Hu whose telephone number is (571) 272-1103**. The examiner can be reached on Monday through Friday from 9:00 AM –5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The fax number for the organization where this application or proceeding is assigned is **(571) 273-8300** for all regular communications.

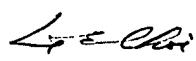
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Henry S. Hu



Patent Examiner, Art Unit 1713, USPTO

December 12, 2005



LING-SUI CHOI
PRIMARY EXAMINER